

REMARKS / ARGUMENTS

Claims 1-106 are currently pending. Claims 1-10 and 30-106 are currently allowed. Claims 11-13, 15, 22, 26 and 28 are currently rejected and claims 14, 16-21, 23-25, 27 and 29 are objected to. Claims 14, 16, 23, 27 and 29 have been amended to be set forth in independent form. No subject matter has been added. Applicant respectfully requests reconsideration, a withdrawal of all rejections and a Notice of Allowability.

In accordance with the provision of 37 C.F.R. 1.56, 1.97, 1.98 1.55(a) and (b) and 1.933 the Office is notified that a Supplemental Information Disclosure Statement, form PTO-1449, is respectfully submitted.

.Claims 11-13, 15, 22, 26 and 28 are rejected under 35 U.S.C. § 102(e) as being obvious in view of Jones et al. (US Patent 7,347,200). Applicant respectfully traverses each and every aspect of this rejection.

Applicant considers there are a number of differences between Jones and the pending claims such that they are not anticipated by Jones. The rejection of claims 11 and 12 is seemingly based on the disclosure of fluoropolymer materials in Jones. However, this passage describes coating the fluoropolymer materials on "any of the parts of the dispenser which contact the chemical suspension...[to] reduce the tendency of chemical to adhere thereto" (see column 13, lines 64-67). This is not a clear and unambiguous disclosure of coating any "locations" with which claims 11 and 12 are concerned. The Office has incorrectly construed this passage, not giving due weight and regard to its reference to coating any parts which contact the chemical suspension. The person of ordinary skill in the art

would immediately recognise that this means parts which are in contact with the medicament when suspended in the propellant, i.e. when stored inside the aerosol container, not after release therefrom. In support of this proposition, the person of ordinary skill in the art would not consider the medicament to be in a suspension once released from the aerosol container, as the propellant evaporates leaving a medicament particle 'cloud'. Moreover, direct evidence of this fact is found in Jones itself, where the only other reference to "suspension" is where it is stated that in one aspect (of the invention), "the medicament container is an aerosol container...[which] comprises a suspension of a medicament in a propellant" (see column 5, lines 46-48, emphasis added). This passage would corroborate the skilled artisan's conclusion that Jones is suggesting coating the internal parts of the aerosol container, not anything external thereto such as "locations" to which the contested claims refer. For at least this reason, Jones cannot anticipate claims 11 and 12. Thus, the rejection of claims 11 and should be withdrawn.

The logic of the rejection of claim 13 over Jones cannot be followed or accepted. There is no disclosure in Jones of any of the physical barriers or guides required by this claim. There is no structure in Jones which corresponds to the requirements of this claim. Thus, as Jones is silent to this feature, the rejection of claim 13 is unfounded and should be withdrawn.

As regards the objection to claim 15, the Office's reasoning is flawed for the same reasons outlined above in relation to claims 11 and 12. Moreover, claim 15 is directed to provision of means for removing deposits, i.e. addressing deposits after they occur (otherwise "removing" not necessary). Thus, the reliance of the Examiner on the fluoropolymer disclosure in Jones in relation to claim 15 is misplaced, notwithstanding the comments previously made above on the proper construction of this disclosure. Even on the broadest reasonable

interpretation, fluoropolymer materials are not “means for removing”, as their function is to prevent deposits occurring in the first place. Moreover, if deposits do occur on the fluoropolymer material, then clearly the material *per se* cannot remove them. Other removal means are required. Thus, the rejection of claim 15 should be withdrawn.

Regarding the rejections of claims 22 and 26, it is to be pointed out that the “means for agitating” (claim 22) and the “means for scraping” (claim 26) are part of the medicament dispenser. Thus, a user shaking the Jones dispenser or wiping away deposits in the Jones mouthpiece with a finger/cloth do not meet the respective claim limitations. Thus, the rejection of claims 22 and 26 should be withdrawn.

Regarding the rejection of claim 28, the basis for this also cannot be followed or accepted. There is no disclosure in Jones that the airflow is such as to be able to remove deposits. Moreover, claim 28 requires the medicament dispenser to be provided with means for causing an airflow to flush the contaminant deposits away. Jones does not disclose providing any feature thereto to create a special airflow to rid deposits that are formed in specific locations. Thus, the rejection of claim 28 should be withdrawn.

All claim rejections being addressed in full, Applicant respectfully requests the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance. Should the Examiner have any questions regarding the foregoing, Applicant respectfully requests that the Examiner contact the undersigned, who can be reached at (919) 483-9995.

Respectfully submitted,

Dated: October 31, 2008

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